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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/625,648      | 07/23/2003  | Peter B. Heifetz     | 2075USCON8          | 9729             |

22847 7590 08/23/2007  
SYNGENTA BIOTECHNOLOGY, INC.  
PATENT DEPARTMENT  
3054 CORNWALLIS ROAD  
P.O. BOX 12257  
RESEARCH TRIANGLE PARK, NC 27709-2257

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| EXAMINER |
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LUNDGREN, JEFFREY S

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| ART UNIT | PAPER NUMBER |
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1639

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| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

08/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|---------------------------------|-------------|---|---------------------|
| 10625648                        | 7/23/2003   | HEIFETZ ET AL.                                    | 2075USCON8          |

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**EXAMINER**

Jeff Lundgren

| ART UNIT | PAPER    |
|----------|----------|
| 1639     | 20070807 |

DATE MAILED:

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**Commissioner for Patents**

The reply filed on July 27, 2007, is not fully responsive to the prior Office action because Applicants have not properly elected a single species as set forth in the Restriction Requirement mailed on March 1, 2007. In Applicants' Reply, Applicants elected SEQ ID NO:12. However, this sequence is outside the scope of the independent claims, since the claims are directed to particular mutants of SEQ ID NO:12. See 37 CFR 1.111.


In particular, the Restriction Requirement required that Applicants elect a single species of SEQ ID NO:12 having one of the claimed mutations. For a complete response, Applicants should specify which amino acid substitutions are being elected (e.g., one species could be the enzyme of SEQ ID NO:12 where 221 is leucine and 226 is valine). Accordingly, the Office will examine SEQ ID NO:12 with the elected substitutions.

Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Extensions of time may be granted by petition under 37 CFR § 1.136(a).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeff Lundgren whose telephone number is 571-272-5541. The Examiner can normally be reached from 7:00 AM to 5:30 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James Schultz, can be reached on 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSL

  
J. DOUGLAS SCHULTZ, PH.D.  
SUPERVISORY PATENT EXAMINER